

**FILED**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**SEP - 2 2009**

**DAVID CREWS, CLERK**  
By  Deputy

**ERIC ROACH**

**PETITIONER**

**V.**

**NO. 1:08CV281-D-D**

**ED HARGETT, et al.**

**RESPONDENTS**

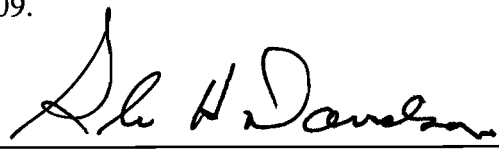
**FINAL JUDGMENT**

Upon consideration of the file and records in this action, the court finds that the Report and Recommendation of the United States Magistrate Judge dated July 23, 2009, was on that date duly served by mail upon Petitioner at his last known address; that more than ten days have elapsed since service of the Report and Recommendation; and that no objection to the Report and Recommendation has been served or filed by any party. The court is of the opinion that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court. Therefore, it is

**ORDERED:**

- 1) the Report and Recommendation of the United States Magistrate Judge dated July 23, 2009, is hereby APPROVED and ADOPTED as the opinion of the court;
- 2) the motion to dismiss (docket entry 6) is GRANTED;
- 3) the petition is DISMISSED with prejudice as untimely; and
- 4) this matter is CLOSED.

THIS the 2<sup>nd</sup> day of September, 2009.

  
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SENIOR JUDGE  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI